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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

K.C., by and through Erica C., her guardian, et al.,

Case No. C-05-4077 MMC

**STIPULATION VACATING AND
CONTINUING CASE MANAGEMENT
CONFERENCE AND HEARING DATE**

Plaintiffs.

VS.

JACK O'CONNELL, in his official capacity as Superintendent of Public Schools For the State of California, et al.,

Defendants.

Honorable Maxine M. Chesney

1 WHEREAS the parties in this action ("Action") have and continue to participate in
2 voluntary mediation in a good faith effort to achieve an informal resolution of the Action with the
3 Honorable Coleman Fannin (retired) serving as the mediator; and

4 WHEREAS Defendants have requested that the case management conference set to March 3,
5 2006, be continued for 30 days by stipulation to April 7, 2006, as well as the initial disclosures
6 required by the order of this court be vacated so that Defendants can continue to negotiate a
7 resolution of this matter without the need for a hearing; and

8 WHEREAS Defendants have requested that the hearing of Plaintiffs' motion for preliminary
9 injunction, originally noticed for December 9, 2005 and continued by stipulation first to January 27,
10 2006, then to March 3, 2006, be vacated so that Defendants will not be placed in the position of
11 having to prepare and file opposition papers before the mediation or, in the event the mediation is
12 unsuccessful, to accommodate previously scheduled vacations of Defendants' counsel; and

13 WHEREAS Plaintiffs have consented to Defendants' request in the interest of maximizing
14 the possibility of an informal settlement of this dispute with the assistance of Judge Coleman Fannin
15 and as a professional courtesy to Defendants' counsel:

16 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
17 parties to this action, by and through their respective undersigned counsel, as follows:

- 18 1. Defendants hereby agree that they will not assert the delay of the hearing
19 pursuant hereto in any way as a ground for opposition to Plaintiffs' motion for
20 preliminary injunction.
- 21 2. The hearing on plaintiffs' Motion for Preliminary Injunction currently set for
22 March 3, 2006, may be VACATED and a new hearing date may be set for
23 Friday, April 7, 2006 or as soon thereafter as the matter can be heard.
- 24 3. The court's order of January 9, 2006, be amended to provide that the case
25 management conference be continued to March 7, 2006

1
2 DATED: February 15, 2006
3

4 REED SMITH LLP
5

6 By 
7 James M. Wood
8 Attorneys for Plaintiffs
9

10 and
11

12 DISABILITY RIGHTS EDUCATION AND
13 DEFENSE FUND, INC.
14 Arlene Mayerson
15 Larisa Cummings
16 Attorneys for Plaintiffs
17

18 DATED: November 21, 2005
19

20 CALIFORNIA STATE DEPARTMENT OF
21 EDUCATION
22

23 By _____ /s/
24 Allan H. Keown
25 Gabriel C. Vivas
26 Marsha A. Bedwell
27 Michael E. Hersher
28 Defendants Jack O'Connell and California
Department of Education, the Board of Education,
and its members

19 DATED: November 21, 2005
20

21 EDRINGTON, SHIRMER & MURPHY
22

23 By _____ /s/
24 Peter P. Edrington
25 James Marzan
26 Attorneys for Defendants Douglas Gephart,
27 Fremont Unified School District, Board of Trustees
28 for the Fremont Unified School District and its
members

DATED: November 21, 2005

REED SMITH LLP

By James M. Wood /s/
Attorneys for Plaintiffs

and

DISABILITY RIGHTS EDUCATION AND
DEFENSE FUND, INC.
Arlene Mayerson
Larisa Cummings
Attorneys for Plaintiffs

DATED: ~~November 21, 2005~~

DATED: November 21, 2005

CALIFORNIA STATE DEPARTMENT OF
EDUCATION

By John K. Kunkel

Allan H. Krown
Gabriel C. Vivas
Marsha A. Bedwell
Michael E. Hersher
Defendants Jack O'Connell and California
Department of Education, the Board of Education,
and its members

DATED: November 21, 2005

EDRINGTON, SISKER & MURPHY

By _____ /s/ _____
Peter P. Edrington
James Marzan
Attorneys for Defendants Douglas Gephart,
Fremont Unified School District, Board of Trustees
for the Fremont Unified School District and its
members

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1

2 DATED: November 21, 2005

3

4 REED SMITH LLP

5

6 By _____ /s/

7 James M. Wood
8 Attorneys for Plaintiffs

9 and

10

11 DISABILITY RIGHTS EDUCATION AND
12 DEFENSE FUND, INC.

13

14 Arlene Mayerson
15 Larisa Cummings
16 Attorneys for Plaintiffs

17

18 DATED: November 21, 2005

19

20 CALIFORNIA STATE DEPARTMENT OF
21 EDUCATION

22

23 By _____ /s/

24 Allan H. Keown
25 Gabriel C. Vivas
26 Marsha A. Bedwell
27 Michael E. Hersher
28 Defendants Jack O'Connell and California
Department of Education, the Board of Education,
and its members

February 15, 2006

19

20 DATED: November 21, 2005

21

22 EDRINGTON, SHIRMER & MURPHY

23

24 By _____ /s/

25 Peter P. Edrington
26 James Marzan
27 Attorneys for Defendants Douglas Gephart,
28 Fremont Unified School District, Board of Trustees
for the Fremont Unified School District and its
members

1 February 13, 2006.
2 DATED: November 21, 2005

3 STUBBS & LEONE

4 By _____

5 Lewis A. Leone, Esq.
6 Attorneys for Defendants San Ramon Valley
7 Unified School District and Robert Kessler, Board
8 of Trustees of San Ramon Valley Unified School
9 District and its members

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Concurrence in the filing of this document has been obtained from each signatory.

ORDER

Pursuant to Stipulation of the parties, it is the order of the Court that the hearing of Plaintiffs' Motion for Preliminary Injunction, currently set for ~~December 9, 2005~~, be VACATED, and that the matter be heard on _____ at 9:00 a.m.

IT IS SO ORDERED.

DATED: _____, 2005.

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By _____
Hon. Maxine M. Chesney

Judge of the United States District Court

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2 DATED: November 21, 2005
3

4 STUBBS & LEONE
5
6

7 By _____/s/
8 Louis A. Leone, Esq.
9 Attorneys for Defendants San Ramon Valley
10 Unified School District and Robert Kesslar, Board
11 of Trustees of San Ramon Valley Unified School
12 District and its members
13

14 **Concurrence in the filing of this document has been obtained from each signatory.**
15

16 **ORDER**
17

18 Pursuant to Stipulation of the parties, it is the order of the Court that the hearing of Plaintiffs'
19 Motion for Preliminary Injunction, currently set for March 3, 2006, be VACATED, and that the
20 matter be heard on April 7, 2006 at 9:00 a.m. The case management
21 conference currently scheduled for March 3, 2006 is hereby CONTINUED to April 7, 2006 at
22 9:00 a.m. The parties shall file a joint case management statement no later than March 31, 2006.
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24 **IT IS SO ORDERED.**
25

26 DATED: February 15, 2006.
27

28 By 
Hon. Maxine M. Chesney

Judge of the United States District Court